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09/735,575	12/12/2000	Clay Harvey Fisher	80398.P371	5734

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EXAMINER

BAROT, BHARAT

ART UNIT	PAPER NUMBER
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2155

DATE MAILED: 06/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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## Office Action Summary

**Application No.**

09/735,575

**Applicant(s)**

FISHER, CLAY HARVEY

**Examiner**

Bharat N Barot

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 12 December 2000.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-35 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

#### **Specification**

1. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

#### **Drawings**

2. This application has been filed with informal drawings, which are acceptable for examination purposes only. Formal drawings will be required when the application is allowed.

#### **Claim Objections**

3. Claims 6-7, 18, and 30 are objected to because of the following informality:  
Claim 6 line 1 "claim 1" should be --claim 6--; claim 7 line 2 "of a type" which is typographical error; claim 18 line 1 "claim 11" should be --claim 16--; and claim 30 line 1 "claim 26" should be --claim 28--. Appropriate corrections are required.

#### **Claim Rejections - 35 USC § 102**

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

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The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

5. Claims 1-2 and 10-12 are rejected under 35 U.S.C. 102(e) as being anticipated by Kenyon (U.S. Patent No. 6,701,343). Kenyon's patent meets all the limitations for claims 1-2 and 10-12 recited in the claimed invention.

6. As to claim 1, Kenyon discloses a computerized method, comprising:  
constructing one or more websites; providing archive software on a computer comprising: one or more methods of website data selection; archiving selected website data to a storage medium (see abstract; figures 1 and 3-5; column 3 line 39 to column 4 line 8; column 4 line 59 to column 5 line 44).

7. As to claim 2, Kenyon discloses that the computer is a server (figure 1; and column 3 lines 39-53).

8. As to claims 10-12, Kenyon discloses that a button on a computer is interactive with archiving selected website data (figure 1 and 3; column 3 line 66 to column 4 line 8; and column 4 line 59 to column 5 line 3); teaches that archiving selected website data is accomplished automatically to a set schedule (column 4 lines 26-50; and column 5 lines 4-58); and also disclose that a dial is interactive with selecting the website data (column 3 line 66 to column 4 line 8; and column 5 lines 19-25).

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**Claim Rejections - 35 USC § 103**

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

10. Claims 3-9, 13-22, 24-26, 28-30, and 33-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kenyon (U.S. Patent No. 6,701,343) in view of Tinkler (U.S. Patent No. 6,411,999).

11. As to claims 3-9, Kenyon explicitly does not disclose that the selected website data comprises one or more visual files, website characteristics, and types of business data.

Tinkler discloses that the selected website data comprises one or more visual files which are chosen from a group consisting of video, photographs, text, and artwork (figure 1; and column 2 lines 1-19); one or more website characteristics which are chosen from a group consisting of: order history, banners, page templates, editing tools, and site features (figures 1 and 6; column 2 line 20 to column 3 line 34; and column 5 lines 14-35); one or more types of business data which are chosen from the group

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consisting of: user account data, order history, credit history, inventory, camera settings, and photographer; and also disclose that at least one of the one or more types of business data is hidden business data (figure 4; and column 3 line 30 to column 4 line 19).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Tinkler stated above in the computerized method of Kenyon as stated above because it would have made information and data easy available and accessible to the users for processing.

12. As to claims 13-21, they are also rejected for the same reasons set forth to rejecting claims 1 and 3-12 above. Additionally, Kenyon teaches that archiving selected information at a non-website to the storage medium (figures 1 and 6; column 3 lines 54-65; and column 5 line 45 to column 6 line 12).

13. As to claims 22 and 24-26, they are also rejected for the same reasons set forth to rejecting claims 1-12 above, since claims 22 and 24-25 are merely an apparatus for the method of operation defined in the claims 1-12. Additionally, Kenyon discloses that the website further comprises links to other websites (column 5 lines 19-25 and 45-58).

14. As to claims 28-30, they are also rejected for the same reasons set forth to rejecting claims 1 and 3-9 above. Additionally, Kenyon teaches that providing password protection on at least one of the one or more websites (column 2 line 64 to column 3

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line 12; and column 5 lines 19-25); and Tinkler teaches that providing banners on at least one of the one or more websites (figures 4 and 6; and column 3 lines 35-53; and column 5 lines 9-35).

15. As to claims 33-34, they are also rejected for the same reasons set forth to rejecting claims 28-30 above, since claims 33-34 are merely an apparatus for the method of operation defined in the claims 28-30.

16. Claims 23, 27, 31-32, and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kenyon (U.S. Patent No. 6,701,343) in view of Tinkler (U.S. Patent No. 6,411,999) as applied to claims 22, 26, and 33 above, and further in view of Balasubramaniam et al (U.S. Patent No. 6,701,441).

17. As to claim 23, neither Kenyon nor Tinkler explicitly teaches that the archive software further comprises: security software to restrict data that can be archived by the remote computer.

Balasubramaniam et al explicitly teaches that the archive software further comprises; security software to restrict data that can be archived by the remote computer (figures 2, 3, and 4\_1; and column 10 lines 32-60).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Balasubramaniam et al stated above in the computerized system of Kenyon and Tinkler as stated above because it would

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have improved system security and in order to increased efficient utilization of the system.

18. As to claim 27, it is also rejected for the same reasons set forth to rejecting claim 23 above, since claim 27 is merely a method of operation for the apparatus defined in the claim 23.

19. As to claims 31-32, they are also rejected for the same reasons set forth to rejecting claims 22-23 above. Additionally, Balasubramaniam et al teach that purchasing a portion of the web site information (column 10 lines 1-31).

20. As to claim 35, neither Kenyon nor Tinkler explicitly discloses that the website information includes billing information.

Balasubramaniam et al explicitly discloses that the website information includes billing information (figure 2; and column 10 lines 1-31).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Balasubramaniam et al stated above in the computerized system of Kenyon and Tinkler as stated above because it would have improved system data record and in order to increased efficient utilization of the system.



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**Additional References**

21. The examiner as of general interest cites the following references.
  - a. Yano et al, U.S. Patent No. 6,711,594.
  - b. Chen et al, U.S. Patent No. 6,625,624.

**Contact Information**

1. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bharat Barot whose telephone number is (703) 305-4092. The examiner can normally be reached on Monday-Friday from 9:30 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alam, Hosain, can be reached at (703) 308-6662. A central official fax number is (703) 872-9306.

Any inquiry of general nature or relating to the status of this application should be directed to the group receptionist whose telephone number is (703) 305-3900.

Patent Examiner Bharat Barot

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May 21, 2004

*Bharat Barot*  
**BHARAT BAROT  
PRIMARY EXAMINER**